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REMARKS

Claims 1, 2, and 4-15 stand rejected. Claims 1, 8, 9, 10, and 11 are amended. Support for the amendments to claim 1, 9, and 11 is found at least in Figs. 1A, 1B, and 1C and related *Written Description*, particularly page 4, lines 2-4 (paragraph [0019]); page 4, line 8 (paragraph [0020]); page 5, lines 7-9 (paragraph [0024]); and page 6, lines 23-25 (paragraph [0029]). Support for the amendments to claims 8 and 10 is found in Fig. 2 and in the *Written Description* on page 6, line 29 to page 7, line 5 (paragraph [0030]). No new matter is added by these amendments.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 4, 5, 7, 8, and 11-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,155,474 by Park et al. ("Park") in view of U.S. Patent No. 5,371,489 by Carroll et al. (hereinafter "Carroll"), U.S. Patent No. 5,818,338 by Ferraro (hereinafter "Ferraro") and U.S. Patent No. 5,463,595 by Rodhall et al. (hereinafter "Rodhall"). The Examiner cites Park for disclosing a portable motion-sensing light that can be unplugged at the mains plug 58 (Fig. 2 of Park). The Examiner further cites Park for a lamp socket disposed on the housing assembly, and an electrical power plug configured to provide electrical power to the portable motion sensing light when the electrical plug is plugged into an electrical socket and being connected to electrical connections within a housing assembly (16, 12, 30).

The Examiner cites Carroll for disclosing the use of a power cord 30 with an electrical plug 32 on a first end of the power cord and a second end of the power cord directly connected to electrical connections of the device for providing electrical power to a motion-sensing light. The Examiner cites Ferraro for disclosing a motion-actuated light that can be used outdoors, and cites Rodhall for disclosing the use of a watertight/sealed housing for an outdoor motion-sensing device, and for welding between first and second housing portions. Thus, the disclosures of four references are used in combination to support the rejection of claim 1.

While the number of references used to support a rejection is not conclusive to the determination of obviousness, an undue number of references militates against a finding

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of obviousness. The Federal Circuit holds that the determination of obviousness is a matter of law. When determining the patentability of a claim, it is impermissible to use the claimed invention as a template to piece together the teachings of the prior art to render the claimed invention obvious. Similarly, a claim must be examined as a whole. The Applicant respectfully requests the Examiner to reconsider his determination of the obviousness of the claims based on each claim as a whole.

Claim 1, as amended, recites, among other elements, a lamp socket adjustably mounted on a sealed housing. The Applicant respectfully notes that claim 1 recites a sealed housing, and that Park discloses a wall plate 16, a sensor housing 12, and a camera housing 30. Park does not refer to the combination of the wall plate, sensor housing and camera housing as a "housing assembly."

Since claim 1 recites a control circuit inside a sealed housing, and the control circuit 66 of Park is inside the camera housing 30, the only possible equivalent to the recited sealed housing is the camera housing 30 of Park. Park does not mount light sockets on the camera housing 30. Rather, Park mounts lamps 18, 20 to a wall with a wall mounting plate 16, and separately mounts the camera housing 30 to the wall using brackets 36 on the sides of the camera housing 30. Park mounts the housing 30 to the wall by means of the pair of brackets 36 to permit angular and height adjustment of the housing 30 and the camera therein (Col. 4, lines 38-40).

Park also states that the sensor 10 and lamps 18, 20, which are mechanically connected to the wall plate 16, can be adjusted after wall mounting to illuminate and survey appropriate areas. It appears that mounting the lamps and sensor to the wall plate 16, and hence wall, separately from the camera housing 30 is desirable so that adjustment of the lamps and/or sensor does not affect the alignment of the camera housing 30.

Park further teaches that the separately mounted camera housing 30 can be disguised as a doorbell chime box, a radio, a smoke detector, a wall mounted picture or a fuse box (Col. 3, lines 32-34). Mounting the lamps 18, 20 and sensor 10 to the camera housing 30 would interfere with such disguise. Thus, Park teaches away from mounting the lamps on the camera housing 30.

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Mounting the light sockets and sensor on the sealed housing, as recited in claim 1, advantageously facilitates the portability of the portable motion-sensing light. As the Examiner notes, the device of Park can be un-mounted, making it portable. However, both the wall mounting plate 16 and the pair of brackets 36 must be un-mounted. Since the light sockets of claim 1 are mounted on the sealed housing, separate mounting and un-mounting of a wall mounting plate is avoided.

Claim 1, as amended, also recites, among other elements, a power cord having an electrical plug on a first end entering the sealed housing at a power cord entry providing a weather-resistant seal and strain relief, a second end of the power cord being connected to electrical connections within the sealed housing. Park discloses a battery pack connected to a mains plug 58. Park states that connecting the photographic security device to a mains outlet is particularly useful where the device is to be used in a remote country cottage, which may remain unattended for several months at a time (Col. 3, lines 64-68) (emphasis added). The photographic security device would not require a weather-resistant seal when used in a cottage, and the mains plug is presumably rigidly secured to the housing 30 avoiding the need for strain relief. It was the Applicant who recognized that the power cord is likely to be pulled or otherwise stressed (page 6, lines 5-6), and teaches a power cord entry that provides both a weather-resistant seal and strain relief (page 4, lines 4-5).

While it is conceivably possible that one could re-design the photographic security device of Park to operate with a power cord entering the camera housing 30, the Applicant believes such re-design is inappropriate. The test for obviousness is not whether prior art could have been combined, but whether the desirability of the proposed modification is suggested by the prior art when considered as a whole.

The Applicant respectfully urges that the photographic security device of Park teaches away from a power cord entering the sealed housing at a power cord entry providing a weather-resistant seal and strain relief. The mains plug 58 is desirable to allow unplugging of the device for battery-powered operation at locations away from an electrical outlet.

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Re-designing the photographic security device of Park to include a power cord dangling out of the camera housing 30 might result in the power cord being pulled, intentionally or unintentionally, possibly changing the alignment of the camera, thus degrading the primary purpose of the photographic security device, namely to capture a photographic image of an intruder. The use of a mains plug 58 in combination with a battery pack 54 allows the photographic security device of Park to operate even if a power plug were pulled completely out of the mains plug 58, thus avoiding the need for strain relief between the power cord and mains plug. Therefore, the inclusion of the mains plug 58 provides advantages for the photographic security device of Park, but leads in a direction divergent from the path that the Applicant took in her portable sensing light.

For the reasons given above, the Applicant believes that claim 1 and all claims that depend from claim 1 are allowable, and that claims 9 and 11, and all claims that depend from claims 9 and 11, are allowable at least for similar reasons.

Claim 4, which depends from claim 1, recites a first housing portion welded to a second housing portion. Park teaches that it is desirable to access the camera within the camera housing 30 so that the camera film can be removed and developed. Welding the camera housing 30 shut would be highly undesirable because it would interfere with the removal of the camera film. The Applicant urges that welding the camera housing shut is a substantial reconstruction of the photographic security device of Park, and would significantly change how one might use the device.

Considering the photographic security device as a whole, the Applicant believes that one of ordinary skill in the art would not be led to weld the device shut. First, one would require a saw or similar tool to open the welded camera housing, which may be difficult to do without damaging the camera, film, and other components inside the camera housing. Then, after replacing the film, would a user then re-weld the camera housing or otherwise seal the camera housing with the re-loaded film inside? The Applicant submits such a modification is a strained interpretation of the disclosures of Park and Rodhall.

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A major difference between the cited photographic security device and claimed portable motion-sensing light is that the first has interior components (namely the film), that a user is expected to access in normal operation. The latter does not. The Applicant respectfully submits that one of ordinary skill, considering the photographic security device of Park as a whole, would not be led to weld the camera housing shut. Therefore, the Applicant believes claim 4 is further patentable.

Claim 5, which depends from claim 1, recites first and second housing portions being sealed with an adhesive sealant. Although adhesive sealant might be easier than sawing and welding for a user to deal with when opening and re-sealing the camera housing, the Applicant believes that one of ordinary skill in the art, when considering the teachings of Park, Carroll, Ferraro, and Rodhall, would not be led to use adhesive sealant to seal the camera housing because it would interfere with the convenient removal and replacement of the camera film. Therefore, the Applicant believes claim 5 is further patentable.

Claim 8, which depends from claim 7, which depends from claim 1, recites a mounting member on a back of the sealed housing configured to removably couple to a mating mounting bracket disposed on a mounting support. Park discloses mounting brackets 36 on the sides of the camera housing 30. The mounting brackets 36 permit angular and height adjustment of the housing 30 and the camera therein (Col. 4, lines 38-40). Redesigning the photographic security device of Park to replace the mounting brackets 36 with a mounting member on the back of the camera housing 30 would interfere with the angular and height adjustment of the housing 30, and thus one of ordinary skill in the art would not be led to make the urged modification. Therefore, Park teaches away from replacing the mounting brackets 36 with a mounting member on the back of the camera housing 30.

Since aiming a camera in the sealed housing recited in claim 8 is not of concern, and the lamp sockets and sensor are adjustably mounted on the housing, angular and height adjustment of the sealed housing recited in claim 8 is not as critical as the angular and height adjustment of the camera housing 30 disclosed in Park. Providing the recited mounting member and mating mounting bracket on the back of the sealed housing

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advantageously allows the portable motion-sensing light of claim 8 to be easily mounted and unmounted, or moved between a number of mounting brackets (*Written Description*, page 6, lines 38-32). Therefore, the Applicant believes claim 8 is further allowable, and that claim 10 is allowable for at least similar reasons.

The Applicant believes claims 11-15 are not taught or suggested by the prior art at least for the reasons given above.

Claims 6, 9, and 10 stand rejected as being unpatentable over Park in view of Carroll, Ferraro, Rodhall, and U.S. Patent No. 4,890,318 by Crane. The Examiner cites Crane for disclosing closed cell foam; however, Crane merely discloses using a door 22 with a gasket 69 of closed cell foam. The disclosures of five references are used in combination to support this rejection. However, these claims are not merely a concatenation of a list of elements. The relationship between one element and the next must also be considered when determining the patentability of these claims. In Crane, closed-cell foam is not around a wire entry, as recited in claims 6 and 9. None of the cited references disclose or suggest using closed-cell foam around a wire entry into a sealed housing of a portable motion-sensing light, thus the required structural relationship is not found in the prior art. It is the Applicant who teaches the advantages of providing foam sealant around wire entries, specifically that such foam can provide an additional seal against moisture while allowing minor adjustment of the sensor and lamp sockets, for example (*Written Description*, page 5, line 32- page 6, line 6), and it is inappropriate to use the Applicant's teachings as a template to piece together elements from the five cited references to render the claimed invention obviousness. Therefore the Applicant believes claim 6 is further patentable, and that claim 9 is further patentable for at least similar reasons.

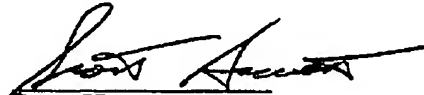
CONCLUSION

In view of the foregoing, the Applicant believes all claims pending in this Application are in condition for allowance. The Applicant respectfully requests reconsideration of all pending claims, the withdrawal of all rejections, and the issuance of a formal Notice of Allowance at an early date.

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If the Examiner believes this amendment does not put all pending claims in condition for allowance, and believes a telephone conference might expedite prosecution of this matter, the undersigned invites the Examiner to telephone him at (707) 591-0789.

Respectfully submitted,



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